

REMARKS

Applicant's attorney would like to thank Examiner Worjloh for her helpful comment made during a telephone conversation with the undersigned attorney on September 28, 2009. At that time, applicants proposed amendment of claim 1 was informally discussed with Examiner Worjloh. Although no agreement was reached, Examiner Worjloh indicated that the amendment would be considered especially in view of the added feature in the independent claims that the at least one detail of the other electronic device relates to at least one property of the other electronic device.

More particularly, in response to the final Official Action of April 30, 2009, independent claims 1, 11, 19, 29, 31, 33, 41, and 44 have been amended in a manner which is believed to particularly point out and distinctly claim the invention. Support for the amendment to claim 1 is found in the original application as filed, including page 10, lines 20-22 and 32-35, as well as in claims 3 and 9 which are now canceled. In addition, the "detail of the other electronic device" relates to at least one property of that other device which is supported by the original application as filed at the page and lines noted above. Support for the other independent claims is also based upon this portion of the application, as well as the corresponding dependent claims to these other independent claims which have also been canceled.

In response to the comments made by the Office at section 7 that functional recitation(s) using the word "for" or other functional language have been given little patentable weight because they fail to add any structural limitation and are thereby regarded as intended use language, amendment has been made to the claims to change the word "for" to "configured to" so as to avoid any intended use language interpretation. As such, the language of all of the claims should be given full consideration by the Office.

Claim Rejections - 35 USC §103

At section 5, claims 1, 3-11, 13-19, 21-29, 31-41, 43, and 44 are rejected under 35 USC §103(a) as unpatentable under US patent 6,226,618, Downs, et al (hereinafter Downs).

With respect to amended claim 1 which incorporates the features of claims 1, 3, and 9, as well as additional details as noted above, the Office specifically recites that Downs discloses verifying the integrity of information contained in a package for distribution by an electronic device indicative of the conditions in which distribution of the package is allowed and that Downs further discloses or suggests the remaining actions of claims 1, 3, and 9. With respect to claim 9, the Office asserts that Downs discloses the method wherein said information indicative of conditions in which the distribution of the package is allowed or not allowed comprising at least one detail of the other electronic device, wherein the electronic device communicating with the other device exchanges information on said at least one detail of the other device for determining whether the distribution is allowed or not. Specific reference is made to Downs at column 24, lines 36-40, including License Secure Container (SC) carrying the ID of the end-user device. Applicant respectfully disagrees.

In particular, the Office has rejected claim 9 relying upon column 24, lines 36-40 of Downs in that it allegedly discloses that the License SC carries the ID of the end-user device. This portion of Downs states: "The License SC(s) 660 carries the Symmetric Key 623 and the Transaction Data 642, both encrypted using the Public Key 661 of the End-User Device(s) 109." (Downs, column 24, lines 36-40).

The Order Secure Container (SC) may contain the Encrypted Symmetric Key for the Content, the Transaction ID, and End-User(s) Information. It is unclear from Downs the specific nature of the end-user information, however, it is a reasonable reading of Downs that the end-user information discussed in Downs refers to the user, not the user device. Although the data carried in the License SC is encrypted by the Public Key of the End-User Device, it is not the same as information indicative of conditions in which

the distribution of the package is allowed or is not allowed comprising at least one detail of the other electronic device. In other words, including information is different from encrypting the information, which at best is what Downs appears to disclose.

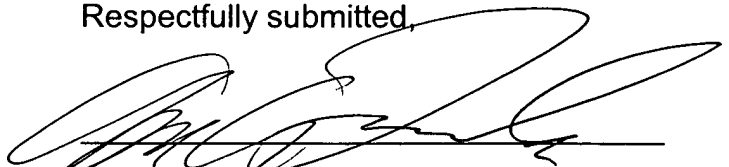
Furthermore, claim 1 has been amended to recite the at least one detail of the other electronic device relates to least one property of that other electronic device as disclosed in the specification as originally filed, including at page 10, lines 20-22. Clearly, such a property of the other electronic device is unrelated to any encryption key or ID associated with that other electronic device. As a result, it is respectfully submitted that claim 1, as amended, is distinguished over Downs.

Similar amendment has been made to independent claims 11, 19, 25, 29, 31-33, 41, and 44. It is therefore respectfully submitted that independent claims 11, 19, 25, 29, 31-33, 41, and 44 are also distinguished over Downs for the reasons presented above with respect to claim 1.

Dependent claims 4-8, 10, 14-16, 18, 21-26, 28, 32, 34-40, and 43 are also distinguished over Downs at least in view of the dependency of each of these claims from an independent claim which is believed to be allowable.

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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